

EPIQ CORPORATE RESTRUCTURING, LLC
PO BOX 4470
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CASE 20-12168-CSS DOC 1196-2
MARIE MELYSOVA
PO BOX 38
BALDWIN PLACE, NY 10505

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

TOWN SPORTS INTERNATIONAL, LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 20-12168 (CSS)

(Jointly Administered)

Hearing Date: September 28, 2021 at 10:00 am

Objection Deadline: September 13, 2021 at 4:00 pm

**NON-RELEASED CLAIMS TRUSTEE'S
FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION TO CERTAIN
(A) NO LIABILITY CLAIMS AND (B) OVERSTATED CLAIMS**

*****CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR
NAMES AND CLAIMS IN THE EXHIBITS TO THE OBJECTION*****

META Advisors LLC, as Non-Released Claims Trustee (the "Trustee") of the Town Sports Non-Released Claims Trust (the "Trust"), by and through its undersigned counsel, hereby submits this omnibus objection (the "Fifth Omnibus Objection") seeking entry of an order pursuant to sections 105(a) and 502 of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedures of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"): (A) disallowing the claims listed on Exhibit A for which there is no evidence of any liability on the part of the Debtor against which each such Claim is asserted; and (B) reducing the unsecured portion (by liquidated or unliquidated amounts) of each of the Claims listed on Exhibit B.

¹ The last four digits of Town Sports International, LLC's federal tax identification number are 7365. The mailing address for Town Sports International, LLC is 399 Executive Boulevard, Elmsford, New York 10523. A complete list of all of the Debtors in these jointly administered cases, including the last four digits of their federal tax identification numbers and addresses, may be obtained on the website of the Debtors' claims and noticing agent at <http://dm.epigll.com/TownSports>.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 11
TOWN SPORTS INTERNATIONAL, LLC, <i>et al.</i> , ¹	Case No. 20-12168 (CSS)
Debtors.	(Jointly Administered)
	Re: Docket Nos. 1162 & 1193

**ORDER SUSTAINING NON-RELEASED CLAIMS TRUSTEE'S
FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION TO CERTAIN
(A) NO LIABILITY CLAIMS AND (B) OVERSTATED CLAIMS**

Upon consideration of the *Non-Released Claims Trustee's Fifth Omnibus (Substantive) Objection to Certain (A) No Liability Claims and (B) Overstated Claims* (the "Fifth Omnibus Objection");² and the Court having considered the Declaration in support of the Fifth Omnibus Objection; and it appearing that notice of the Fifth Omnibus Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and the Court having considered the Fifth Omnibus Objection, the claims listed on Exhibit A and Exhibit B attached thereto, and any responses thereto; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

FOUND AND DETERMINED THAT:

1. The Fifth Omnibus Objection is a core proceeding under 28 U.S.C. § 157(b)(2); and

¹ The last four digits of Town Sports International, LLC's federal tax identification number are 7365. The mailing address for Town Sports International, LLC is 399 Executive Boulevard, Elmsford, New York 10523. A complete list of all of the Debtors in these jointly administered cases, including the last four digits of their federal tax identification numbers and addresses, may be obtained on the website of the Debtors' claims and noticing agent at <http://dm.epiqll.com/TownSports>.

² Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Fifth Omnibus Objection.

EXHIBIT B
OVERSTATED CLAIMS

Claimant	Claim No.	Asserted Claim Amount	Asserted Claim Priority ¹	Modified Claim Amount	Modified Claim Priority	Reason for Modification
61 West 62 Owners Corp.	20726	\$2,067,955.82	General Unsecured	\$1,752,067.18	General Unsecured	Claim exceeds statutory cap pursuant to section 502(b)(6) of the Bankruptcy Code.
625 Mass Ave Owner LLC	20070	\$2,226,104.63	General Unsecured	\$896,097.43	General Unsecured	Modification is by agreement of the parties.
Barrientos, Marvin E	146	Unliquidated	General Unsecured	\$109.98	General Unsecured	Claim is for service fees but does not assert an amount on face; backup appears to assert a claim in the amount of \$109.98. Claimant also holds # 20307 in the amount of \$129.88
Broadway Mercer Associates	20072	\$4,104,373.79	General Unsecured	\$1,348,340.82	General Unsecured	Claim is filed against Town Sports International, LLC, as guarantor, for prepetition arrears and termination damages through July 23, 2023, less a security deposit in the amount of \$673,591. Lease was terminated on July 10, 2020, prior to the Petition Date. By its terms, section 502(b)(6) caps claims for "damages resulting from the termination of a lease of real property". The cap is not limited to leases rejected pursuant to section 365 of the Bankruptcy Code, but rather includes leases terminated pre-petition. Claim is capped at 1 year's rent from the date of surrender (presumably July 31), plus pre-petition arrears, less the security deposit.
D And M Richmond Realty LLC	123	\$843,854.51	General Unsecured	\$140,071.89	General Unsecured	Claim asserts amounts owing for "unpaid base and additional rents and cost of repairs" but does not attach lease or any other information that would enable the Trust to calculate rejection damages pursuant to the section 502(b)(6) cap. Claimant is listed on Schedule F in the amount of \$140,071.89 (contingent, unliquidated, disputed).
F.W. Webb	190	Unliquidated	General Unsecured	\$7,332.61	General Unsecured	Face of claim states no amount, but backup includes an invoice in the amount of \$7,332.61
Gameroom Superstores LLC	1129	Unliquidated	General Unsecured	\$10,000.00	General Unsecured	Modification is by agreement of the parties.
Gameroom Superstores LLC	1,297	Unliquidated	General Unsecured	\$10,000.00	General Unsecured	Modification is by agreement of the parties.
Jefferson Realty Group, LLC	20996	\$791,249.55	General Unsecured	\$616,641.78	General Unsecured	No specific amount stated or support provided for portion of claim attributable to concession recapture.
Marolla, Austin	1,275	Unliquidated	General Unsecured	\$300.00	General Unsecured	Claimant does not indicate an amount where appropriate on the face of the claim but circled "goods sold" as the "basis for claim" in item 8 and indicates \$300 in the blank line thereunder.
Melusova, Marie	1,274	Unliquidated	General Unsecured	\$960.00	General Unsecured	Claimant does not indicate an amount on the face of the claim but the backup correspondence suggests claimant is seeking a credit of membership charges or related fees in the amount of \$960.
OCW Retail-Canton, LLC	20678	\$2,426,914.24	General Unsecured	\$512,741.41	General Unsecured	Claim was filed without applying 502(b)(6) statutory cap.
OCW Retail-Canton, LLC	20881	\$2,426,914.24	General Unsecured	\$512,741.41	General Unsecured	Claim was filed without applying 502(b)(6) statutory cap.
Parkroe Realty Inc.	20108	\$2,405,651.51	General Unsecured	\$852,248.63	General Unsecured	Claim is asserted against Town Sports International, LLC on account of a lease guaranty. The statutory 502(b)(6) cap applies to guarantee claims, and therefore, claim against guarantor cannot exceed sum of claim # 20543 filed against TSI Longbeach LLC for rejection damages (\$556,680.52) plus claim # 20064 filed against TSI Longbeach LLC for prepetition arrears (\$295,767.81).
Racquet Place LP, The	20520	\$1,087,658.84	General Unsecured	\$387,658.84	General Unsecured	Modification is by agreement of the parties.

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EPIC CORPORATE RESTRUCTURING, LLC

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